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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/676,659

09/30/2003

David L. Chavez

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11/05/2007

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

11/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,659

Applicant(s)

CHAVEZ ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on After final Amendment filed on 10/23/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,12-15,17-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,12,14,15,17-19,21,22 and 25-31 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 13, 23, 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/5/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Finality

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

Regarding claims 28, 30, the word "means" is preceded by the word(s) "for controlling feature" on line 3; " for interconnecting.." on line 6 and " for storing .." on line 8 in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding the Remark on page 7, applicant believes " first communication client means" is rejected under 112 sixth paragraph. Infact, examiner does not reject the " first communication client means" under 112 sixth paragraph. Rather in claim 28, the " first means" on line 3; " means for" on line 6 and line 8 are rejected under 112 sixth paragraph because:

the words " first means" on line 3 does not describe what element controlling features associated with channel; In similarity, " means" on lines 6 and 8 respectively does not describe what element "interconnecting said first means" and " storing channel state information..." . It appears that "the means" is used in an attempt to recite an unknown element as "a means" for performing a specified function.

Therefore, the use of “means” in claim 28, lines 3, 6 and 8 does not describe what is referred to as name of “the means” performing the specific functions including controlling features, interconnecting and storing respectively.

Further, in claim 28, it is not clear on line 6 what is meant by “ said first mean for controlling ??? to said first communication client means” ? In another way, what does said first means control ?.

In similar, claim 30 is also rejected under 112 sixth paragraph as to “ what is described as “ second means” on lines 2 and 3. It is unclear what is meant by “ wherein said first communication channel state information is provided to said second means for controlling by said first communication client”?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-7, 12, 14, 15, 17-19, 21, 22, 25-31 are rejected under 35 USC 102(e) as being anticipated by Forlenza et al. (US pat. 6,665,375 B1).

*In claims 1, 12, 19, Forlenza et al. et al. discloses a method for maintaining call state information (see col.1, lines 5-10 and abstract; method for providing call state information to callers) comprising generating in a first call controller (see fig.10, server 134) call state information (see fig.10; step 1002, col.12, lines 20-40; a new call status is received at server); creating at least a first file containing a representation of at least some of said generated first call state information (see fig.10, step 1004, col.12; lines 20-30; save call state information associated with appropriate client); providing said at least a first file to a first client (fig.10, steps 1008 & 1012; col.12, lines 30-40; sending the call state to client); and storing said at least a first file on said first client (fig.9, step 910; col.12, lines 1-10; shows a client which monitors for a new call status and logs call status event in a local storage 526 as shown in fig.5). The call state includes ringing, busy signals (see abstract and col.1, lines 42-50).

*In claim 28, Forlenza et al. et al. discloses first means for controlling features associated with a communication channel (see fig.10, step 1002 and fig.1; server 134 determines whether a new call status is received associated with a client); first communication client means, wherein said first communication client means is a communication endpoint (see fig.1, client 138; col.7, lines 10-25); means for (switch 106; fig.1; col.7, lines 17-25) interconnecting said first means (server 134; fig.1) for controlling to said first communication client means (switch 106 receives and transmits call status codes to server 134 which sends the call status to client 138); and means for storing in said first communication client communication channel state information related to a first communication channel, wherein first channel state information is

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stored in said means for storing (storing call status in a local storage 525 as shown in fig.5; see col.12, lines 2-12).

*In claim 7, Forlenza et al. et al. discloses establishing a call between said first client and a second client (see fig.1; col.3, lines 48-65; establishing a call between a telephone 104, client 138 and a recipient at another telephone device).

*In claims 15, 17 and 21, Forlenza et al. discloses the first communication endpoint comprises an IP telephone (see fig.1, col.6, lines 40-65; client 138 is a personal computer connected to IP network 132 via TCP/IP protocol).

*In claim 18, Forlenza et al. discloses real-time protocol call controller (see col.6, lines 40-50, server 134 is connected to IP network 132, services client 138 by retrieving call status in realtime; see col.7, lines 15-25).

*In claim 5, Forlenza et al. discloses a first file including most recent call state information (see see claim 1; and fi.10, step 1002, new call state is received at server).

*In claim 29, the limitation of this claim has been addressed in claims 1, 19 and 28.

*In claims 6, 14, 22, 25, 26, 27 and 31 Dalgic et al. discloses, in fig.1, a second communication endpoint (a recipient at another telephone device; col.3, lines 47-55), wherein said call state information is related to a communication channel established between said first and second communication endpoints(see col.3, lines 55-65; “ringing signals”(first call state) is displayed if the recipient answers the telephone or “disconnected” status (second call state) is displayed if the recipient hangs up the telephone).

Allowable Subject Matter

Claims 3, 4, 13, 23, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 5-7, 12, 14, 15, 17-19, 21, 22, 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nix et al. (Us Pat. 7,145,900 B2).

Benedyk et al. (US Pat. 7,227,927 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'HNguyen', with a stylized, cursive script.

**HANH NGUYEN
PRIMARY EXAMINER**